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|--|--|--|--|---|--|---|--|
| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | | | 1. CONTRACT ID CODE <div style="text-align: center;">J</div> | | PAGE OF PAGES <div style="text-align: center;">1 9</div> | |
| 2. AMENDMENT/MODIFICATION NO. <div style="text-align: center;">0002</div> | | 3. EFFECTIVE DATE <div style="text-align: center;">08-Aug-2003</div> | | 4. REQUISITION/PURCHASE REQ. NO. <div style="text-align: center;">W58XUW-3133-5960</div> | | 5. PROJECT NO.(If applicable) | |
| 6. ISSUED BY <div style="text-align: center;">CODE</div> USAED, KANSAS 760 FEDERAL BUILDING 601 E 12TH STREET KANSAS CITY MO 64106-2896 | | 7. ADMINISTERED BY (If other than item 6) <div style="text-align: center;">CODE</div> <div style="text-align: center; font-weight: bold;">See Item 6</div> | | | | | |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) | | | | X 9A. AMENDMENT OF SOLICITATION NO. DACA41-03-R-0011 | | | |
| | | | | X 9B. DATED (SEE ITEM 11) 21-Jul-2003 | | | |
| | | | | 10A. MOD. OF CONTRACT/ORDER NO. | | | |
| | | | | 10B. DATED (SEE ITEM 13) | | | |
| CODE | | FACILITY CODE | | | | | |
| 11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS | | | | | | | |
| <input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u> 1 </u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified. | | | | | | | |
| 12. ACCOUNTING AND APPROPRIATION DATA (If required) | | | | | | | |
| 13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14. | | | | | | | |
| A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. | | | | | | | |
| B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B). | | | | | | | |
| C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: | | | | | | | |
| D. OTHER (Specify type of modification and authority) | | | | | | | |
| E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office. | | | | | | | |
| 14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Multiple Award Task Order Contract for Construction Services, Kansas City District The solicitation is amended in accordance with the attached pages. | | | | | | | |
| Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect. | | | | | | | |
| 15A. NAME AND TITLE OF SIGNER (Type or print) | | | | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) | | | |
| | | | | TEL: _____ EMAIL: _____ | | | |
| 15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign) | | 15C. DATE SIGNED _____ | | 16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer) | | 16C. DATE SIGNED _____ | |

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

The following items are applicable to this modification:

SECTION 00010 - SOLICITATION CONTRACT FORM

Replace the Bid Schedule.

Section 00010 - Solicitation Contract Form

| | | |
|-----------------|---|---|
| ITEM NO 0001 | SUPPLIES/SERVICES G.C. Site Supervisor | ENTER DIRECT HOURLY RATE \$ _____ _____ |
| ITEM NO 0002 | SUPPLIES/SERVICES G.C. Field Superintendent | ENTER DIRECT HOURLY RATE \$ _____ |
| ITEM NO 0003 | SUPPLIES/SERVICES G.C. Quality Control Manager (When separate person to be furnished) | ENTER DIRECT HOURLY RATE \$ _____ |
| ITEM NO 0004 | SUPPLIES/SERVICES G.C. Field Office Engineer | ENTER DIRECT HOURLY RATE \$ _____ |
| ITEM NO 0005 | SUPPLIES/SERVICES G.C. Field Office Clerk | ENTER DIRECT HOURLY RATE \$ _____ |
| ITEM NO 0006 | SUPPLIES/SERVICES General & Administrative Overheads (Home and Branch Office). See notes 11 and 12. | _____ % |

Replace the NOTES:

NOTES:

1. Up to Three (3) Indefinite Delivery/Indefinite Quantity Contracts may be award as a result of this solicitation. See Section 00800 Paragraph "Purpose and Scope". Scopes of work will be as prescribed/described in individual Task Order. Cost of all work shall be as established in each individual Task Order.

2. The contracts will be awarded under the multiple award concept, as follows:

The Government intends to award Three (3) contracts under this Solicitation, but reserves the right to award fewer. See Section 00800 Paragraph Period of Service for information concerning contract times and dollar amounts.

3. Any awards as a result of this solicitation will be made to different offerors. These contracts shall support the estimated future work requirements for work assigned to the US Army Corps of Engineers Northwestern Division. Offerors may only receive one contract under this solicitation.

4. Source Selection procedures for this acquisition will be in accordance with Sections 00110 and 00120.

5. Specific task and pricing information for work to be performed under this contract will be included in each Task Order. Certain cost data and information will be required to be provided with your proposal.

6. Contracts will be issued for a duration period of three years. The contracts will remain active until contract expiration, Task Order completion, or until the combined contractual limit is reached.

7. Offerors should refer to Sections 00100 and 00800 of this solicitation for information on submission and evaluation of proposals.

8. There are included in this solicitation clauses that pertain to sealed bids. The application of these clauses will be to the award of subsequent Task Orders, as required, and not to submissions under this Request for Proposal for contract.

9. Proposal prices must be entered for all items of the Proposal Schedule.

10. The proposed hourly rates for line items 0001 to 0005 shall not include overhead or profit.

11. Only one overhead rate shall be provided on line item 0006. Profit shall not be included in this rate. This percentage will be applied to labor, equipment, materials, field overhead, all non-design subcontracts, etc.

12. Profit will be negotiated with each task order and shall not be included in any line item. Profit and/or overhead related to design subcontracts will also be negotiated with each task order and shall not be included in any line item.

13. Bid Guarantee: Sufficient bid guarantee (\$3,000,000) in proper form must be furnished with your offer.

SECTION 00100 - BIDDING SCHEDULE/INSTRUCTIONS TO BIDDERS

The following has been modified: Replace Section 120.

SECTION 120

EVALUATION FACTORS FOR AWARD

1. INFORMAL SOURCE SELECTION PROCESS

All offers received in response to this solicitation will be evaluated in accordance with informal source selection procedures. The principal objective of this process is to select responsible offerors to be the overall Best Value to the Government, price and other factors considered (the Best Value). The Government reserves the right to consider and evaluate information regarding past performance from sources outside the proposal. The right is reserved to accept other than the lowest price offers and to reject any or all offers. Award may be made to the superior proposals, regardless of cost or price, provided that price is determined to be reasonable. The process is designed to ensure the impartial, equitable, and comprehensive evaluation of all technically acceptable, responsible proposals received in response to this particular solicitation.

a. Source Selection Organization.

The source selection organization is established as a separate organization and management chain of command whose only purpose is to accomplish the objective above. The organization consists of a Source Selection Authority (SSA) and a Source Selection Evaluation Board (SSEB). The SSEB is comprised of separate Technical Evaluation and Price Evaluation teams. The organization is designed to ensure active ongoing involvement of appropriate contracting, technical, logistics, legal, price analysis, small business, and other functional staff management expertise.

b. Source Selection Procedure.

i. The source selection procedures will begin with an initial review of proposals and continue with a technical and price evaluation conducted by the SSEB. The SSEB shall evaluate the proposals based solely on the evaluation criteria identified in paragraph: Evaluation Factors, below. The results of the SSEB evaluations will be presented to the SSA, who will rank the proposals based on the Best Value to the Government, price and other factors considered. The SSA will also either make the final source selection decision or determine whether it is appropriate to engage in clarifications or communication prior to establishment of a competitive range, or to establish a competitive range and conduct discussions with those offerors that are included in the competitive range. The Government intends to award without discussions. All communications, leading to establishment of the competitive range, will be conducted in accordance with FAR Part 15.306b.

ii. If a competitive range is established, discussions will be conducted with offerors who are included in the competitive range. After conclusion of discussions and receipt of final revised technical proposals, the SSEB will complete the evaluation and establish final weighted technical ratings. Results of the final weighted technical ratings will be presented to the SSA. The SSA shall then rank the proposals based on the Best Value to the Government, price and other factors considered. The SSA shall make the final source selection decision. If appropriate, the SSA will apply the tradeoff process in the Best Value Continuum.

iii. The proposals received in response to this RFP will be evaluated utilizing a scoring system to select the most advantageous proposal. To be considered acceptable, each offeror shall specifically address each of the evaluation factors listed below. Sufficient detail shall be provided, citing specific data as may be required, such that the proposal may be adequately evaluated. The proposal must show clearly that the offeror has an understanding of the work tasks required and has the capability and responsibility to accomplish the project.

iv. The Government is not responsible for information overlooked during the evaluation which is not located in the appropriate proposal section. To ensure that evaluation credit is appropriately received for proposal material submitted, do not incorporate by reference documents not contained in the proposal. References to other sections of the proposal shall be by specific paragraph number (and name, if applicable), page number and section.

2. BASIS FOR AWARD

The Government intends to select, without discussions, up to three responsible offerors whose proposals conform to the solicitation and are determined to be the Best Value to the Government in accordance with the following relationship between price and technical merit. The technical evaluation factors, when combined, are significantly more important than price (see paragraphs below: Relative Weight of Technical Evaluation Criteria; and Price). The closer the total evaluated technical scores of acceptable proposals are to one another, the greater will be the importance of price in making the selection determination. The closer the final price evaluations are to one another, the greater will be the importance of the total evaluated technical scores in making the selection determination.

3. EVALUATION FACTORS

Evaluation factors are listed below. All factors will be evaluated on the completeness, conciseness, and relevance of information provided. These factors are listed in the order of importance described in paragraph: Relative Weight of Technical Evaluation Criteria, with price being significantly less important than all technical factors combined.

FACTOR 1 (Volume 1, Part 1) – Past Performance

- a. Quality of product and service.
- b. Customer satisfaction.
- c. Timeliness of performance.

FACTOR 2 (Volume 1, Part 2) – Corporate Experience

- a. Simultaneous multi-discipline project experience.
- b. Civil works project experience.

FACTOR 3 (Volume 1, Part 3) – Management Plan

- a. Organizational structure.
- b. Responding to Multiple Task Orders.
- c. Subcontractor management.

FACTOR 4 (Volume 2) –Price

4. RELATIVE WEIGHT OF TECHNICAL EVALUATION CRITERIA

Factor 1 is the most important technical factor. Within Factor 1, subfactors are equal in importance.

Factor 2 is equal to factor 3. Factor 2 is weighted approximately 80% of Factor 1. Within Factor 2, subfactor a is more important than subfactor b. Within Factor 3, subfactors are equal in importance.

5. PRICE

a. Price will not be point-scored, but will be subjectively evaluated. The specific evaluation process is described below. The technical evaluation factors, when combined, are significantly more important than price. The

closer the total evaluated technical scores of acceptable offers are to one another, the greater will be the importance of price in making the selection determination. The closer the final price evaluations are to one another, the greater will be the importance of the total evaluated technical scores in making the selection determination.

b. The Price Proposal Schedule (**Volume 2**) submitted in response to this solicitation will not be point scored but will be subjectively evaluated for reasonableness over the life of the contract. In the event, during the course of the analysis, the Price Evaluation Team has reason to question the reasonableness of a price proposal, or has reason to believe there is unbalancing in the price proposal, the PET may conduct such additional reasonable analysis as it requires in order to complete a thorough price analysis. Because the evaluation of the price proposal will represent a portion of the total evaluation, it is possible that an offeror might not be selected because of an unbalanced or an unreasonable price proposal.

c. The evaluated price information will be reported to the SSA. The SSA will utilize the technical ratings and the price evaluations in preparing its overall ranking of the proposals and as to the Best Value determination for selection of successful offerors.

6. PAST PERFORMANCE

- a. In the course of evaluating offerors' proposals, the Source Selection Evaluation Board may contact references submitted by the offeror. The SSEB may also check past performance information obtained from sources other than those identified by the offeror. All gathered information will be used to evaluate the offeror's overall past performance.
- b. At no time during this process, nor during the debriefing, nor after award, will the names of the individuals providing reference information about an offeror's past performance be revealed to the offerors or to any other party.
- c. Sheer numbers of confirmed negative comments may not give the offeror an overall rating of less than satisfactory. Negative comments in areas that are not of vital importance to the successful performance of this contract may not result in a rating of less than satisfactory. Conversely, one or only a few negative confirmed comments in areas of vital importance to the successful performance of this contract may render an overall past performance rating less than satisfactory.
- d. During the evaluation, the following will also be taken into consideration: the age and relevance of past performance information; the offeror's overall work record; if there are any problems identified, the number, type, and severity of the problems and the effectiveness of corrective actions taken.
- e. During the ranking process the SSA may also consider past performance information in evaluating overall risk associated with a particular proposer.

7. DEBRIEFING

In accordance with FAR 15.505 Preaward Debriefing of Offerors, and FAR 15.506 Postaward Debriefing of Offerors, the offeror should be aware of the following.

PREAWARD DEBRIEFING OF OFFERORS (FAR 15.505)

Offerors excluded from the competitive range or otherwise excluded from the competition before award may request a debriefing before award (10 U.S.C. 2305(b)(6)(A) and 41 U.S.C. 253b(f)-(h)).

(a)(1) The offeror may request a preaward debriefing by submitting a written request for debriefing to the Contracting Officer within 3 days after receipt of the notice of exclusion from the competition.

(2) At the offeror's request, this debriefing may be delayed until after award. If the debriefing is delayed until after award, it shall include all information normally provided in a postaward debriefing (see 15.506(d)). Debriefings delayed pursuant to this paragraph could affect the timeliness of any protest filed subsequent to the debriefing.

(3) If the offeror does not submit a timely request, the offeror need not be given either a preaward or a postaward debriefing. Offerors are entitled to no more than one debriefing for each proposal.

(b) The Contracting Officer shall make every effort to debrief the unsuccessful offeror as soon as practicable, but may refuse the request for a debriefing if, for compelling reasons, it is not in the best interests of the Government to conduct a debriefing at that time. The rationale for delaying the debriefing shall be documented in the contract file. If the Contracting Officer delays the debriefing, it shall be provided no later than the time postaward debriefings are provided under 15.506. In that event, the Contracting Officer shall include the information at 15.506(d) in the debriefing.

(c) Debriefings may be done orally, in writing, or by any other method acceptable to the Contracting Officer.

(a) The Contracting Officer should normally chair any debriefing session held. Individuals who conducted the evaluations shall provide support.

(b) At minimum, preaward debriefings shall include--

(1) The agency's evaluation of significant elements in the offeror's proposal;

(2) A summary of the rationale for eliminating the offeror from the competition; and

(3) Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed in the process of eliminating the offeror from the competition.

(c) Preaward debriefings shall not disclose--

(1) The number of offerors;

(2) The identity of other offerors;

(3) The content of other offerors' proposals;

(4) The ranking of other offerors;

(5) The evaluation of other offerors; or

(6) Any of the information prohibited in 15.506(e).

(d) An official summary of the debriefing shall be included in the contract file.

POSTAWARD DEBRIEFING OF OFFERORS FAR 15.506

(a)(1) An offeror, upon its written request received by the agency within 3 days after the date on which that offeror has received notification of contract award in accordance with 15.503(b), shall be debriefed and furnished the basis for the selection decision and contract award.

(2) To the maximum extent practicable, the debriefing should occur within 5 days after receipt of the written request. Offerors that requested a postaward debriefing in lieu of a preaward debriefing, or whose debriefing was delayed for compelling reasons beyond contract award, also should be debriefed within this time period.

(3) An offeror that was notified of exclusion from the competition (see 15.505(a)), but failed to submit a timely request, is not entitled to a debriefing.

(4)(i) Untimely debriefing requests may be accommodated.

(ii) Government accommodation of a request for delayed debriefing pursuant to 15.505(a)(2), or any untimely debriefing request, does not automatically extend the deadlines for filing protests. Debriefings delayed pursuant to 15.505(a)(2) could affect the timeliness of any protest filed subsequent to the debriefing.

(b) Debriefings of successful and unsuccessful offerors may be done orally, in writing, or by any other method acceptable to the Contracting Officer.

(c) The Contracting Officer should normally chair any debriefing session held. (Individuals who conducted the evaluations shall provide support.)

(d) At a minimum, the debriefing information shall include--

(1) The Government's evaluation of the significant weaknesses or deficiencies in the offeror's proposal, if applicable;

(2) The overall evaluated price (including unit prices), and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror;

(3) The overall ranking of all offerors, when any ranking was developed by the agency during the source selection;

(4) A summary of the rationale for award;

(5) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror; and

(6) Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.

(e) The debriefing shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors. Moreover, the debriefing shall not reveal any information prohibited from disclosure by 24.202 or exempt from release under the Freedom of Information Act (5 U.S.C. 552) including--

(1) Trade secrets;

(2) Privileged or confidential manufacturing processes and techniques;

(3) Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information; and

(4) The names of individuals providing reference information about an offeror's past performance.

(f) An official summary of the debriefing shall be included in the contract file.

SECTION 00700 - CONTRACT CLAUSES

The following has been deleted:

| | | |
|----------|---|----------|
| 52.217-9 | Option To Extend The Term Of The Contract | MAR 2000 |
|----------|---|----------|

(End of Summary of Changes)